

- (1) Deputy Administrator;
- (2) Chief Counsel;
- (3) Senior Associate Administrator for Vehicle Safety;
- (4) Senior Associate Administrator for Traffic Injury Control; and
- (5) Senior Associate Administrator for Policy and Operations.

(b) In order to qualify for the line of succession, officials must be encumbered in their position on a permanent basis.

[69 FR 63957, Nov. 3, 2004]

§ 501.5 Exercise of authority.

(a) All authorities lawfully vested in the Administrator and reserved to him/her in this Regulation or other NHTSA directives may be exercised by the Deputy Administrator and, in the absence of both Officials, by the Executive Director, unless specifically prohibited.

(b) In exercising the powers and performing the duties delegated by this part, officers of the NHTSA and their delegates are governed by applicable laws, executive orders, regulations, and other directives, and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary of Transportation, the Administrator, Deputy Administrator and Executive Director or, with respect to matters under their jurisdictions, by or on behalf of the Associate Administrators, Regional Administrators, and Directors of Staff Offices.

(c) Each officer to whom authority is delegated by this part may redelegate and authorize successive redelegations of that authority subject to any conditions the officer prescribes. Redelegations of authority shall be in written form and shall be published in the FEDERAL REGISTER when they affect the public.

(d) Each officer to whom authority is delegated will administer and perform the functions described in the officer's respective functional statements.

[53 FR 26258, July 12, 1988, as amended at 58 FR 12545, Mar. 5, 1993]

§ 501.6 Secretary's reservations of authority.

The authorities reserved to the Secretary of Transportation are set forth

in subpart 1.44 of part 1 and in part 95 of the regulations of the Office of the Secretary of Transportation in subtitle A of this title (49 CFR parts 1 and 95).

§ 501.7 Administrator's reservations of authority.

The delegations of authority in this part do not extend to the following authority which is reserved to the Administrator and, in those instances when the office of the Administrator is vacant due to death or resignation, or when the Administrator is absent as provided by § 501.5(a), to the Deputy Administrator or Executive Director:

(a) The authority under chapter 301—Motor Vehicle Safety—of Title 49 of the United States Code to:

(1) Issue, amend, or revoke final federal motor vehicle safety standards and regulations;

(2) Make final decisions concerning alleged safety-related defects and non-compliances with Federal motor vehicle safety standards;

(3) Grant or renew temporary exemptions from federal motor vehicle safety standards; and

(4) Grant or deny appeals from determinations upon petitions for inconsequential defect or noncompliance.

(b) The authority under 23 U.S.C. chapter 4, as amended, to:

(1) Apportion authorization amounts and distribute obligation limitations for State and community highway safety programs under 23 U.S.C. 402;

(2) Approve the initial awarding of alcohol incentive grants to the States authorized under 23 U.S.C. 408, and drunk driving prevention grants to the States authorized under 23 U.S.C. 410;

(3) Issue, amend, or revoke uniform State and community highway safety guidelines, and, with the concurrence of the Federal Highway Administrator, designate priority highway safety programs, under 23 U.S.C. 402;

(4) Fix the rate of compensation for non-government members of agency sponsored committees which are entitled to compensation.

(c) The authority under chapters 321, 323, 325, and 329 of Title 49 of the United States Code to:

(1) Issue, amend, or revoke final rules and regulations, except for final rules issued under section 32902(d); and

§ 501.8

49 CFR Ch. V (10–1–05 Edition)

(2) Assess civil penalties and approve manufacturer fuel economy credit plans under chapter 329.

(d) The authority under sections 141, 153, 154 and 158 of Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator, to disapprove any State certification or to impose any sanction or transfer on a State for violations of the National Maximum Speed Limit, Safety Belt and Motorcycle Helmet Use Requirements, or the National Minimum Drinking Age.

[60 FR 43030, Aug. 18, 1995]

§ 501.8 Delegations.

(a) *Deputy Administrator.* The Deputy Administrator is delegated authority to act for the Administrator, except where specifically limited by law, order, regulation, or instructions of the Administrator. The Deputy Administrator is delegated authority to provide executive direction to the Associate Administrator for State and Community Services and the Director of International Harmonization, and assist the Administrator in providing executive direction to all organizational elements of NHTSA.

(b) [Reserved]

(c) *Director, Office of Civil Rights.* The Director, Office of Civil Rights is delegated authority to:

(1) Act as the NHTSA Director of Equal Employment Opportunity.

(2) Act as NHTSA Contracts Compliance Officer.

(3) Act as NHTSA coordinator for matters under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Executive Order 12250 (3 CFR, 1980 Comp., p. 298), and regulations of the Department of Justice.

(d) *Chief Counsel.* The Chief Counsel is delegated authority to:

(1) Exercise the powers and perform the duties of the Administrator with respect to setting of odometer regulations authorized under 49 U.S.C. chapter 327, and with respect to providing technical assistance and granting extensions of time to the states under 49 U.S.C. 32705.

(2) Establish the legal sufficiency of all investigations conducted under the authority of the following chapters of Title 49 of the United States Code:

chapter 301; chapter 323; chapter 325; chapter 327; chapter 329; and chapter 331, and to compromise any civil penalty or monetary settlement in an amount of \$25,000 or less resulting from a violation of any of these chapters.

(3) Exercise the powers of the Administrator under 49 U.S.C. 30166 (c), (g), (h), (i), and (k).

(4) Issue subpoenas, after notice to the Administrator, for the attendance of witnesses and production of documents pursuant to chapters 301, 323, 325, 327, 329, and 331 of Title 49 of the United States Code.

(5) Issue authoritative interpretations of the statutes administered by NHTSA and the regulations issued by the agency.

(e) *Senior Associate Administrator for Policy and Operations.* The Senior Associate Administrator for Policy and Operations is delegated authority for executive direction of the Associate Administrator for Advanced Research and Analysis; the Associate Administrator for Administration; the Associate Administrator for Planning, Evaluation, and Budget; the Chief Information Officer; and the Director of Communications and Consumer Information. To carry out this direction, the Senior Associate Administrator for Policy and Operations is delegated authority, except for authority reserved to the Administrator, to direct the NHTSA planning and evaluation system in conjunction with Departmental requirement and planning goals; to coordinate the development of the Administrator's plans, policies, budget, and programs, and analyses of their expected impact, and their evaluation in terms of the degree of goal achievement; and to perform independent analyses of proposed Administration regulatory, grant, legislative, and program activities. Except for authority reserved to the Senior Associate Administrator for Vehicle Safety, the Senior Associate Administrator for Policy and Operations is delegated authority to develop and conduct research and development programs and projects necessary to support the purposes of Chapters 301, 323, 325, 327, 329, and 331 of title 49, United States Code, and Chapter 4 of title 23, United States Code, as amended, in coordination with the Senior Associate